



**MINUTES
HISTORICAL ARCHITECTURAL REVIEW BOARD
REGULAR MEETING OF FEBRUARY 4, 2010**

CALL TO ORDER: Chairperson Minard called the meeting to order at 7:00 p.m.

PRESENT: Board Members: MacRae, Pentaleri, and Tavares

ABSENT: Price (unexcused)

STAFF PRESENT: Kelly Diekmann, Senior Planner
Prasanna Rasiah, Deputy City Attorney
Dilip Kishnani, Engineering Representative

APPROVAL OF MINUTES: Regular minutes of January 7, 2010 were approved with the following corrections:

Change all references made to **Board Member Price** to **Member MacRae**.

Page 3, **Board Member Pentaleri** speaking, first bullet, last sentence: Change to read, "It was so substantially changed, prior to its acquisition by the city, that he would support removal from the list.

and

Last bullet: Change to read, ". . . did not render its decisions in accordance with the Historic Resources Ordinance."

Page 4, **Chairperson Minard** speaking: Last sentence should read, ". . . allowing the demolition of a structure, which could fuel the end of ~~non~~-historic districts."

DISCLOSURES: **Chairperson MacRae** stated that, regarding Item 2, he rented an apartment 495 feet from Niles Boulevard. He learned that he was not in conflict unless the improvements would change the termination date of his lease, the amount of rent, his right to sublease the property, the legal use of the property or his enjoyment of the property. He had also driven by the item.

Vice Chairperson Tavares stated that he owned a building within 500 feet of Item 1. However, he would not benefit from whatever decision was made.

Chairperson Minard had driven by the location of Item 1 and the north side wall had already been removed.

CONSENT CALENDAR: None

PUBLIC COMMUNICATIONS:

ORAL COMMUNICATIONS: None

PUBLIC HEARING ITEMS:

Item 1. WANESS STORE – 43319 MISSION BOULEVARD – (PLN2010-00112) – to consider HARB review of the replacement of the existing corrugated sheet metal siding with a cement plaster finish on the exterior side and rear walls of an existing building located in the Mission San Jose planning Area. This project is exempt from the California environmental Quality Act (CEQA) per Guideline 15331, Historical Resource Restoration/Rehabilitation.

Senior Planner Diekmann stated that this application included two sides and the rear elevations.

Chairperson Minard asked the following questions:

- Was no date available as to when the metal siding had been installed?
Senior Planner Diekmann stated that he was correct.
- Had an historical analysis been performed to ascertain if the siding had been installed prior to 1941 or after 1945?
No third party historical party review had been performed. There had been a consultation with the city's historical consultant about the material, itself.
Chairperson MacRae noted that the report had stated that pieces of siding had been applied at many different times.
Board Member Pentaleri added that these sides of the buildings had, originally, been covered by other adjacent buildings.
- During World War II, all the corrugated metal in California was salvaged to build ships. If this building had corrugated sheet metal prior to the war, it was probably the only building in California that had original corrugated sheet metal from that time. It was important to find out when the sheet metal was put on.
Vice Chairperson Tavares suggested that could be found out by finding out when the sides of the building were exposed by the removal of the building on the one side and the shortening of the building on the other side.
Chairperson MacRae was not concerned about when the metal was installed.

Board Member Pentaleri asked if the demolition of the one wall would be discussed. The drawing showed an existing plaster wall to be replaced with a new stucco wall finish. Elsewhere, referencing three walls, it stated corrugated steel metal

siding to be removed. New Portland cement plaster system to be installed over new substrate and framing. What was the rationale?

Senior Planner Diekmann agreed that the wall would be discussed.

Al Shafer, architect for the project, stated that the first 16 feet from the sidewalk back on the north side was existing stucco, which was indicated on the elevations with a dashed line showing where the existing stucco was and where the metal commenced. Cement plaster and stucco were interchangeable. It would be renewed to match the rest of the wall.

Chairperson Minard asked the architect if he wished to make a brief presentation.

Mr. Shafer stated that neither the north nor south property line walls were one hour fire rated. Upgrading the building would not only improve the energy conservation characteristics, but it would bring it up to code for the property line walls by the installation of gypsum sheathing on the outside and inside. Originally, they had proposed installing horizontal siding that would match what was on many of the adjacent buildings but the city's architectural consultant had recommended using cement plaster to match the mission style.

Chairperson Minard asked if the speaker knew when the original corrugated sheet metal had been installed on the building. Was there a reason for removing the wall before this hearing? What had happened to that sheet metal?

Mr. Shafer did not know how to date the installation on this building. A building permit allowed them to replace the failed brick footings with concrete on the rear and the two sides, which would bring the building structurally up to code. The framing was being strengthened from the trusses down, which had been done in anticipation of approval of this project. He did not know if the sheet metal had been stockpiled.

Chairperson Minard opened the Public Hearing.

John Weed, Mission Boulevard property owner, thanked the applicant for buying this dilapidated structure and improving it and the site. He expressed dismay concerning the city's architectural consultant's view of what Mission San Jose could and should be, as his view was out of sync with many of the things discussed in the past. Three historical styles had occurred in Mission San Jose. First there were the Gold Rush themed, wood-sided buildings, with the mission standing alone on its own. Olive Hyde then put in her own style as seen with the Olive Hyde Center and the modification of the Kelly Livery Stable next door. He had hoped to revisit what Mission San Jose should be and how the character could be enhanced and the Gold Rush theme preserved. He questioned that the zero-lot line brick wall would have any work done on it.

Board Member Pentaleri reminded the speaker that the front and 16 feet on one side were presently finished with cement plaster.

Mr. Weed believed that it was unfortunate that the owner was not allowed to match the other buildings with wood siding. The Mission style should not be inserted into that streetscape on that road.

Board Member Pentaleri stated that it was not known if wood siding had any relevance to what had been on the building originally.

Senior Planner Diekmann added that no one was trying to create a mission structure; the building style was mission revival. The architectural consultant's opinion was that wood siding was inappropriate for the period of construction of this building; therefore, the stucco finish was appropriate.

Chairperson Minard closed the Public Hearing. He asked the architect if the wall was 22 feet, as shown on the drawing or was it 16 feet as he had stated.

Mr. Shafer replied that, if it was noted as 22 feet on the drawing, it was 22 feet.

Chairperson Minard was unhappy that the side of the building had been removed before approval. It was very distressing.

The removal of some of the steel siding was discussed. **Board Member Pentaleri** said the report had noted that other work that had been approved. **Chairperson Minard** stated that he had not seen the siding elsewhere on the property. **Vice Chairperson Tavares** guessed that the framing was discovered to have dry rot, so the metal siding was removed to repair the framing. The report should have included that work.

Vice Chairperson Tavares asked if the rest of the stucco would look like the front. He was concerned that the rest of the siding would have blown on stucco that was unlike the front.

Mr. Shafer stated that the stucco would be hand-applied, 7/8 inch thick with any kind of texture the Board recommended. He had expected that the Board would recommend that it look like the front. He also asked for a decision about the color.

Vice Chairperson Tavares would like the rest of the building to look like the front. The building was originally a service station and it still had the pit in the back where oil was changed. Mission San Jose was very eclectic and the building was funky and had character. He agreed with all of the plans for improvement. His questions were:

- Was the roof satisfactory?

***Mr. Shafer** replied that the roof was red, standing seam and it was fairly modern. He assumed that the red was intended to carry the mission tile red into the design.*

Vice Chairperson Tavares was correct about the framing, which had been constructed haphazardly and had significant dry rot.

- Was the hedgerow on this property or the adjacent property?
All of the landscaping was on the adjacent property and within inches of the property line. The building was almost a footprint of the width of the lot.
- Would the windows and overhang be changed?
No, but there were some clamps and a cable was stretched across, assuming it had been used for banners. He asked that they be removed.

Chairperson MacRae was also chagrined when he saw the siding had been removed. He asked that staff mention something like that, so that the Board Members were better prepared. He wondered what would have happened if the Board had voted to deny this application. On the other hand, he was happy to see this work being performed.

Chairperson Minard asked how the sheet metal would be removed and the new finish applied to the south wall, since it was up against the old livery stable with about six inches of space between them.

Mr. Shafer stated they would be unable to treat that wall. Only the front portion of the south side and going back to the face of the building that was owned by the city would be replaced. The five-foot high fence would be removed.

Board Member Pentaleri was confident that architectural consultant Bruce Anderson had made the right call, as represented by **Senior Planner Diekmann**.

Mr. Shafer pointed out, regarding the removal of the wall, the drawings had been filed in November and he knew the contractor was just trying to get the job done.

Chairperson Minard felt the project could have been brought to the Board in January before the foundation work had started.

Board Member Pentaleri remarked that he was not concerned about buildings and potential pre-war sheet metal siding.

The Board agreed that the following conditions should be added:

- Non-uniform stucco in texture and color to match the front elevation.
- Recommend removal of stainless steel banner hanging supports.

IT WAS MOVED (MACRAE/PENTALERI) AND CARRIED BY THE FOLLOWING VOTE (4-0-0-1-0) THAT THE HISTORICAL ARCHITECTURAL REVIEW BOARD: HOLD PUBLIC HEARING.

AND

FIND THIS PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER GUIDELINE 15301 (D) EXISTING FACILITIES WHICH APPLIES

TO THE REHABILITATION OF DETERIORATED STRUCTURES AND FIND THESE ACTIONS REFLECT THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT.

AND

FIND THE WANNES STORE REHABILITATION IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE CHAPTER AS ENUMERATED WITHIN THE STAFF REPORT.

AND

THE HISTORICAL ARCHITECTURAL REVIEW BOARD APPROVE PLN2010-00112 AS SHOWN ON EXHIBIT "A", SUBJECT TO FINDINGS AND CONDITIONS OF EXHIBIT "B".

The motion carried by the following vote:

AYES:	4 – MacRae, Minard, Pentaleri, Tavares
NOES:	0
ABSTAIN:	0
ABSENT:	1 - Price
RECUSE:	0

Chairperson Minard called a recess at 7:45 p.m.

Chairperson Minard called the meeting back to order at 7:55 p.m.

Item 2. NILES BOULEVARD STREET IMPROVEMENTS – PLN2010-00126 – to consider HARB review for various right-of-way improvements along Niles Boulevard between the Sullivan Underpass and the old California Nursery Site in the Niles Planning Area. A Mitigated Negative Declaration has been prepared and circulated for this project in accordance with the requirements of the California Environmental Quality Act.

City Engineer Dilip Kishnani explained that this project started as a pavement rehabilitation project. Other problems became apparent, such as, non-existent curbs and gutters, poor drainage, substandard, non-ADA compliant sidewalk width, and non-standard driveway cuts. The proposal was to reduce the curb-to-curb width from 40 feet to 38 feet, which was the current standard for a residential collector street. By reducing each side by one foot, one foot of sidewalk width could added, which would make it more compliant with ADA standards. This would amount to a five-foot sidewalk, a one-half foot curb, and a 28 foot curb to curb street with two 12-foot lanes and a seven-foot parking base. Speed calming devices would be added at either end of the residential street and a third one would be added mid-block close to the elementary school on E Street. These would be three-inch, elevated crosswalks.

Before this project began, the water main on the north side would be moved by the ACWD. The sewer system would also be replaced by USD along 2000 feet of Main Street to Nursery Avenue.

Board Member Pentaleri asked the following questions:

- Would the bulbouts make the sidewalk ADA compliant or closer to be compliant?
Yes, they would be compliant. The bulbouts would allow more room for the sidewalk to meander through the intersection without the relocation of utility poles and, primarily, they would serve as a choking point to slow down traffic.
- Were street furniture or lighting changes included?
No.
- Why was the existing ramp on Niles Boulevard at the Sullivan Underpass being replaced?
The ramp did not meet the current ADA standards, even though it was relatively recent.

Vice Chairperson Tavares asked:

- Was the money for this project coming from stimulus money or was it coming out of the general budget?
It was being funded from the gas tax, Measure B, and ten percent would come from RDA.
- There must be many sidewalks in the city that were not ADA compliant. The biggest problem with Niles Boulevard was the street, itself. Would the street be replaced all the way down to the base rock?
Yes.
- Once that was done, would some of the curb be available that had been lost to the asphalt through the years?
Yes.
- Why could not this project be done without replacing the existing sidewalks?
The existing sidewalk was four feet wide and the current standard was five feet; the remnants of the curb would have to be removed, which might include parts of the sidewalk.
- Could a gutter be added without removing the sidewalks?
What was left of the curb would have to be saw cut to be removed. All of the sidewalk on the north side was monolithic and almost all driveways were non-compliant.
- It seemed that the ADA requirements could never be met. They changed every year.
Agreed. However, if the curbs and gutters were half-way decent, they would not be part of this project.
- He questioned that bulbouts worked to reduce speed. What was the speed limit in that area?
25 miles per hour.

- Was it enforced?
It was posted at 25 miles.
- In Mission San Jose, it seemed the bulbouts had done nothing to slow down traffic. He believed that only enforcing the speed limit would slow traffic.
The combination of choking the street to 24 to 26 feet wide and elevating the pedestrian walk and making the curbs closer when walking across Niles Boulevard would work, in this instance. Many residents at community meetings were very interested in slowing down traffic.
- Would the picket fences in front of some of the homes be replaced? The contractor needed to be sensitive to people's property and to "put back what they did." Those situations could build ill will more than anything.
Currently, all of the work would be done within the existing right-of-way. They planned to work within six inches of what was there. Some encroached within the right-of way, but whenever possible they would try to keep the picket fences. Some might have to be removed and some front pathways would have to be realigned. Anything that was disturbed within six inches of the improvement would be put back in place. However, replacement would not occur.
Senior Planner Diekmann clarified that if something was within the City's right-of-way and it was not supposed to be there, the City would not replace it.
- Did the homeowners know that?
Yes, they were notified at the public meeting.

Chairperson MacRae believed that the speed limit problems were caused by Niles Boulevard being a commute route and from Nursery Avenue to Hillview, the speed limit changed from 35 to 25 miles per hour and people continued to drive at 35 miles per hour into town. He was happy to see anything that could slow the speed down. Would the drainage of the driveways be changed so that some properties might experience flooding in their front yards?

City Engineer Kishnani stated that they would be constrained by the existing grade at the walks. E Street to Nursery Avenue had a good longitudinal slope. The grades would be changed to about three percent. Water would be trapped as the result of the bulbouts and speed tables, so inlets would be added.

Vice Chairperson Tavares asked if the overall height of the street would be going up or coming down.

City Engineer Kishnani replied that when standing in the center of the street, it would come down about eight to nine inches back to two percent from five percent.

Chairperson Minard asked the following questions:

- Would the overhead utilities be undergrounded?
It was never part of the scope of the project. This was an expansion of the original pavement rehabilitation project.

Vice Chairperson Tavares believed that if PG&E were included, three years would be added to the project.

- Was there any way to restrict left turns at the Sullivan Underpass when driving from the Nursery? It was almost impossible to make a left turn at that location. *That was the reason for extending the island, along with providing a middle refuge for pedestrians using the crosswalk.*
- Did RDA stand for the Redevelopment Agency?
Yes.
- Many years ago this Board had stipulated that diamond shapes would be inserted into the sidewalk in downtown Niles to allow historic mementos or stamps that indicated some of the historic character of Niles. Was that part of this project? *He had heard about the tiles, and he had discussed it with staff. He was told that only one historic tile had been installed. He had not seen it anywhere.*
- The diamond inlays were throughout the business district on Niles across from the railroad side of town.
Only one small section of the project was within the business district. Most of it was within the residential frontage past E Street.
Senior Planner Diekmann clarified that staff had agreed that this residential area should not be the same as the commercial district treatments.
In his opinion, the diamond pattern should continue to the end of the business district.
Senior Planner Diekmann said that no sidewalk replacement was planned for the business side of the street, except at F Street at the bulbout. The three contiguous parcels for the mushroom factory have a pending request for residential zoning.

Board Member Pentaleri asked for clarification about the up and down ramps.

City Engineer Kishnani pointed out the proposed ramps on the exhibit.

Chairperson Minard continued his questions:

- Would one walk down a level ramp to the driveway, then walk across the level driveway and up a reasonably level ramp to the sidewalk, again, or would one walk through at an angle?
City Engineer Kishnani stated that the ramp would be inline; in the direction of travel.
- Would many of the driveways have to be altered to meet the new ramp? How far on the properties would the driveways be replaced?
All of them. About ten feet.
- Had all property owners been informed? Individually?
Yes. Not yet, but they would be spoken with individually. They were all told at the community meeting that some grades would have to be negotiated, because the driveways were depressed and there were between six and ten inch differences.
- Will this be at no cost to the homeowners?
Yes.

Chairperson MacRae stated that this had been part of the major discussion in Niles. People wanted to know what would happen to their driveways. He encouraged staff to keep that outreach going, because this is where misunderstandings could cause problems.

Chairperson Minard opened the Public Hearing.

John Weed, Niles property owner, stated that the segment of Niles Boulevard from Mr. Mikey's to F Street had not been part of the recent street improvement and he suggested that landscaping that portion would greatly benefit the community. He asked if the radius at that intersection on Niles Boulevard allowed major vehicles to make the 22-foot turning radius.

City Engineer Kishnani believed that section of the street had been improved eight or nine years ago and almost all of the sidewalk had vaults and dry utilities under it with most of the frontage used for driveways. The landscaping was the homeowners' responsibility.

Chairperson Minard closed the Public Hearing.

IT WAS MOVED (MACRAE/PENTALERI) AND CARRIED BY THE FOLLOWING VOTE (4-0-0-1-0) THAT THE HISTORICAL ARCHITECTURAL REVIEW BOARD: HOLD PUBLIC HEARING.

AND

ADOPT THE NEGATIVE DECLARATION FOR THE PROPOSED STREET IMPROVEMENT PROJECT AND FIND THAT THIS ACTION REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT.

AND

FIND THAT THE PROPOSED STREET IMPROVEMENT PROJECT IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN, THE NILES REDEVELOPMENT PLAN, THE NILES CONCEPT PLAN, AND THE NILES DESIGN GUIDELINES AND REGULATIONS AS ENUMERATED WITHIN THE STAFF REPORT.

AND

APPROVE THE PROPOSED STREET IMPROVEMENT PROJECT AS SHOWN ON EXHIBIT "B", SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED IN EXHIBIT "C".

The motion carried by the following vote:

AYES:	4 – MacRae, Minard, Pentaleri, Tavares
NOES:	0
ABSTAIN:	0
ABSENT:	1 - Price
RECUSE:	0

MISCELLANEOUS ITEMS

Information from Board and Staff:

- Information from Staff: Staff will report on matters of interest.

None.

- Information from Board: Board will report on matters of interest.

Chairperson Minard handed out information concerning the California Preservation Foundation meeting to be held in the Grass Valley/Nevada City this year.

The Alameda County History Day Competition would be held on March 20th at the Oakland School of the Arts, 530 18th Street, Oakland. A fundraising dinner would be held on March 19th. The statewide competition would be held in Sacramento in May.

On Friday, the 12th, he would be portraying Abraham Lincoln during a tea at the historic Shin House from noon to 2:30 p.m.

Meeting adjourned at 8:20 p.m.

SUBMITTED BY:



Alice Malotte
Recording Clerk

APPROVED BY:



Kelly Diekmann, Secretary
Historical Architectural Review Board